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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/248,515	02/08/1999	HOWARD B. SOSIN	2001611-0004	8867

7590 03/22/2004

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EXAMINER
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BLAU, STEPHEN LUTHER

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/248,515

Applicant(s)

SOSIN, HOWARD B.

Examiner

Stephen L. Blau

Art Unit

3711

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_


3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: As stated in the Final Office Action.Claim(s) objected to: As stated in the Final Office Action.Claim(s) rejected: As stated in the Final Office Action.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

  
STEPHEN BLAU  
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: The argument that Thompson is improper due to figure 2 could not be viewed as lean angle accept for hindsight considerations is disagreed with. Many references have been disclosed with lean angles over the prosecution of this case. One skilled in the art would easily conclude a lean angle for figure 2. The declaration by Mr. John Hampford has been considered but is not presuasive. His conclusion was based on a non-zero lean angle being unusual to himself which the examiner does not see as unusual. The argument that the reference of Scheie is improper due to there being no discussion of the connection between the head and the shaft is disagreed with. Scheie was not used for this but to show the teaching forging or casting a golf club head. Thompson was used to show the head and shaft connection. The argument that the reference of Ahn is improper due to not discussing the lean angle and as such figure 5 is an inaccurae rendering of a standard club is disagreed with. Lean angles are a known teaching and one skilled in the art would see figure 2 as having a positive lean angle. The appendix attached to the response showing lean angle of 15 degrees for Ahn was not received and as such the examiner cannot respond to this argument. The comment of the examiner dropping the reference of Solheim in the Final Office Action is not understood. The reference of Solheim was not used in the previous Office Action dated 22 May 2003. The argument that the reference of Adams is improper due to not having a single design loft is disagreed with. Claims 61-63, 66-67 and 69 do not require a single design loft of which Adams was applied against. The argument that it is improper to use the reference of Hirose since Hirose does not correct the deficiencies of Adams is disagreed due to Adams not having a deficiency as commented above. The argument that D'Amico does not disclose a lean angle is disagreed with. Clearly there is an angle between the shaft and vertical which the golfer is leaning the shaft to. Clearly it would be obvious to form a sole flat in this condition to assist the golfer in having a repeatable stance. The other prior art disclosed also show significant angles between vertical and the hosel alignment that one skilled in the art would see it obvious to have a lean angle. It is also noted that claim 64 is improper in that it is a multi-dependent claim and cannot depend on another multi-dependent claim which it does for claim 52.